Supreme Court, U.S.
FILED

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NO. 04

IN THE

SUPREME COURT OF THE UNITED STATES

Ackleema Ally, d/b/a Ahmad Meat Market

Petitioner,

v.

Richard S. Graver, Sheriff Kerry J. Katsorhis, Deputy Sheriff Martello, Chandra Kishore and Prabha Palmour a/k/a Ralph Sukhoo and Rosaline Sukhoo

Respondents

On Petition For Writ Of Certiorari To the United States Court of Appeals For the Second Circuit

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PETITION FOR WRIT OF CERTIORARI

Ackleema Ally
pro-se petitioner
696 Ilyssa Way
Staten Island, New York 10312
(718) 605 8673

QUESTIONS PRESENTED

1. Whether the petitioner Ally was denied equal protection of the Law, accorded her by the 14th Amendment of the Constitution of the United States?

2. Whether the petitioner Ally was denied of her right to proce -dural due process of the Law?

3. Whether the petitioner Ally was deprived of her property with out due process of the Law?

4. Whether the petitioner Ally's property was taken without just compensation?

5. Whether the seizure of the petitioner Ally's business premises impair the obligation of her contract?

6. Whether the unreasonable seizure of the petitioner Ally's property was unlawful, since there was no probable cause for the seizure?

7. Whether the petitioner Ally was denied the opportunity to be heard of the substantive due process?

8. Whether Collateral Estoppel and Res Judicata could be raised by motion to dismiss or only by answer?

9. Whether an attorney can issue an execution/order, or warrant by his hand without authorization from the Court to the City Sheriffs for execution, or only by warrant issued by the hand of a Judge to the City Sheriffs?

10. Whether the City Sheriff can seize private property with out a warrant and without probable cause?

11. Whether the City Sheriff can seize private property by an execution that was written by the hand of an attorney with out the authorization of the Court or only by warrant issued by the hand of a Judge.

12. Whether it is a violation of the 5th Amendment "Taking Clause," for a State to seize private property and give it to a private person for private use?

PARTIES TO THE PROCEEDING

All parties to the proceedings are identified in the caption of the case. Ackleema Ally was doing business as Ahmad Meat Market, the premises was constructed and developed to be used as a Halal Meat and ancillary products store. The petitioner alleg -ed that two of the respondents were new owners of the building where her business premises were located, one is an attorney, one is a City Sheriff of New York City and one is the Deputy Sheriff of the City Sheriff of New York City.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6 the Petition is filed on behalf of an individual, who is the sole proprietor and doing business as Ahmad Meat Market. The corporate disclosure statement is not applicable, since the business is not a corporation.

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STATUTES AND RULES

28 U.S.C.# 1254, 1257, 1257(a)
28 U.S.C.#1331; Constitution; Supremacy Clause Art. VI & III

Pursuant to 28U.S.C.A#1331 which said that, "Where a City in the exercise of delegated state powers, transgresses the Federal Constitution, the Federal Courts have jurisdiction, though the act is not authorized or may have been forbidden by the state. Portland Ry.,Light &Power Co. v.City of Portland,D.C.Or. 1914, 210F.667.

Also, pursuant to U.S.C.A.28#1331 which said that, "When complaint alleges that a municipality or other government entity itself acts in violation of the Constitution, subject matter jurisdiction is present under this section if the jurisdictional amount is met. Dr.

STATUTES AND RULES---Continued

Martin Luther King, Jr. Movement Inc. v. City of Chicago D.C.Ill. 1977, 435 F. Supp.1289.

Also pursuant to U.S.C.A. 28 #1331 which said that, "An allegation that a city intended forcibly to remove a transmission wire belonging to complainants who had a perpetual franchise to use the streets, and thereby to deprive complainants of their property without due process of law and toimpair the obligation of their contract presented a substantial claim under the Constitution, sufficient to sustain jurisdiction of the United States Court. South Covington & C. St. Ry. Co. v City of Newport, Ky.1922, 42 S.Ct. 418, 259 U.S. 97, 66 L.Ed. 842. Pursuant to U.S.C.A.28#1331 which said that, Question of whether property was taken without due process or just compensation constitutes a "Federal question within jurisdictional Statute. Jim Young Development Corp. v State Highway Commission of Mo. D.C.Mo.1971, 56 F.rd 38.

Pursuant to U.S.C.A 28#1331 which said that,"If state legislation impaired the obligation ofa contract or deprived of property without due process of law, or denied the equal protection of the laws, remedies were found in former#41(1) of this title. Holt v Indiana Mfg. Co., Ind.1900, 20 S. Ct. 272, 176U.S. 68, 44 L. Ed.374. Pursuant to FPLR 12#341which said that,"Complaint should not be dismissed of lack of subject-matter jurisdiction,if it reveals that any ground for jurisdiction exists.Jorsch v LeBeau,D.C.Ill.1978,449F.Supp.485

Pursuant to FPLR 12#610 which said that, "A complaint should not be dismissed for failure to state aclaim unless it appears beyond a doubt that the plaintiff can prove no set of facts in support of a claim that would entitle him to relief and if plaintiff is filing pro-se, court should construe complaint broadly,andnot hold it to the same standards as complaint drafted by an attorney. Young v Calhoun S. D.N.Y. 1987, 656 F. Supp. 970. Pursuant to FPLR 12#610 which said that, pro-se complaint alleging deprivation of rights under color of state law should not be dismissed for failure to state a claim unless it appears beyond doubt that plaintiff can prove no